

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/221,789	12/28/98	REEH	U GR96P1650

MMC1/0412

EXAMINER  
JACKSON JR, JART UNIT  
2815

DATE MAILED: 04/12/00

LERNER AND GREENBERG  
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HOLLYWOOD FL 33020

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.	221789	Applicant(s)	Reeh
Examiner	J	Group Art Unit	2815

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

Responsive to communication(s) filed on 1/24/80.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

Claim(s) 1-33 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-33 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

### Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892  Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12,14-16,24-26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tadatsu in view of Geusic.

Geusic teaches a uniform layer 16 of fluorescent resin wherein the path length of photons passing through the layer have substantially the same path length. It would have been obvious to have practiced such design in a Tadatsu like device to improve display quality. The new limitations in the claims are obvious.

3. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tadatsu with Geusic and further in view of Mita and Pinnow.

The previous rejection with the above comments applies.

4. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tadatsu with Geusic, Mita, and Pinnow, and further in view of Chao.

As stated previously, Chao teaches and suggests inorganic phosphors to emit white light.

5. Claims 1-4,6-10,13,17,21-23,25,26,28-33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe.

The previous rejection still applies. The phosphor layer 4 of Abe enables a constant path length for the photons.

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6. Applicant's arguments filed 24 January 2000 have been fully considered but they are not persuasive.

Initially, regardless of intentions, the phosphor layers of either Tadatsu, Geusic, or Abe do not completely absorb all of the emitted radiation from the solid state device. A percentage of primary emission radiation passes through. Accordingly, applicant's argument that Geusic and Abe do not show same path length phosphor layers is unconvincing. Secondly, contrary to applicant's arguments, emitted light from Tadatsu's device does incorporate part of the primary emission, as stated above. Thirdly, Geusic's design would have been obvious and useful for a Tadatsu like device regardless of any intention of completely absorbing the primary radiation.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **Lowery is highly relevant to applicant's invention. Applicant should carefully consider Lowery whose filing date is after applicant's.**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

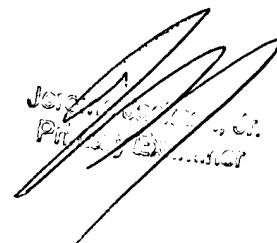
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Jackson whose telephone number is (703) 308-4937. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Jerome Jackson  
Patent Examiner